IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1329 of 1996

with

SPECIAL CIVIL APPLICATION No 1346 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

LIMKHEDA TALUKA PACCHAT VARG SEVA MANDAL

Versus

DISTRICT EDUCATION OFFICER

Appearance:

MR MUKESH R SHAH for Petitioner

MR MA BUKHARI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/07/2000

ORAL JUDGEMENT

#. Special civil application No.1329 of 1996 was admitted by this court on 19.2.96 and interim relief has

also been granted in favour of petitioners. In the special civil application No.1346 of 1998, notice was issued by the court on 27.2.98 and it was ordered to be heard along with special civil application No.1329 of 1996. In both these matters, reply has not been filed by respondents as I do not find on the record of these matters placed before the court a copy of the reply. The learned counsel for the respondents also submitted that replies in these matters have not been filed by respondents. The learned counsel for the petitioners, in both these matters, contended that the District Education Officer, has not given any opportunity of hearing to the petitioners before passing of the impugned orders. Though the learned counsel for the respondents disputed this fact, but looking to the facts of this case and more particularly, the fact that this court has granted interim relief in favour of petitioners in the special civil application No.1329 of 1996, I consider it to be appropriate that the District Education Officer may be directed to decide the matter afresh after giving notice and opportunity of hearing to the petitioners.

#. As a result of aforesaid discussion, both these special civil applications are disposed of in the terms that the impugned orders in these matters may not be given effect to and the District Education Officer to decide these matters afresh after giving notice and opportunity of hearing to the petitioners. The petitioners are free to file their objections in the matter before the District Education Officer. Rule and notice stand disposed of in special civil applications No.1329/96 and 1346/98 respectively. No order as to costs.

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(sunil)